

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DISTRICT**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 3:16-CV-00489-WHB-JCG**

**HINDS COUNTY, ET AL.**

**DEFENDANTS**

**HINDS COUNTY’S RESPONSE TO  
MOTION FOR AN ORDER TO SHOW CAUSE  
WHY DEFENDANTS SHOULD NOT BE HELD IN CONTEMPT**

**COMES NOW** Hinds County, Mississippi (“Hinds County”), by and through counsel, and files, pursuant to L.U. Civ.R. 7 and other applicable authority, and files this Response to the Motion for An Order to Show Cause Why Defendants Should Not be Held in Contempt [DOC.] 30, and in support thereof would state as follows:

**I.**

Plaintiffs have filed a Motion for An Order to Show Cause Why Defendants Should Not be Held in Contempt [DOC.] 30 of Settlement Agreement Paragraphs 9, 22, 37-39, 41-42, 44-46, 50-62, 78-84, and 130-31. Notably, “the United States asks the Court for relief only in regards to certain key provisions that are the foundation for further reform.” [DOC.] 30, ¶ 4.

**II.**

On June 28, 2019, the Court held a telephonic conference and, after extended inquiry into various matters, entered a Text Only Order granting Defendants’ *ore tenus* Motion for Extension of Time until July 22, 2019 to respond to [DOC.] 30.

### III.

Hinds County agrees compliance efforts have not achieved the desired, sustainable, constitutional compliance. However, the compliance approach of the government and monitors is as flawed as the County's efforts. To that end, Hinds County seeks to call one or more any of the following at an evidentiary hearing in this matter:

- Karen Albert, Technical Consultant;
- Jimmie Bell, Chair, Jackson State University Criminal Justice Program (Retired);
- Robert Bell, Hinds County Director of Maintenance;
- Sandra Dalton, Hinds County Sheriff Office Captain, Jackson Downtown facility;
- Carmen Davis, Hinds County Administrator;
- Leonard Dixon, Superintendent, Cook County Juvenile Temporary Detention Center and court appointed monitor in *J.H. v. Hinds County, et al.*, United States District Court Cause Number 3:11-cv-327-DPJ-FKB;
- David Domenici, Executive Director, Center for Educational Excellence in Alternative Settings and Consultant to Hinds County;
- Tom Eberly, Program Director, the Justice Management Institute and Consultant to the Hinds County Criminal Justice Coordinating Committee;
- Captain Ric Fielder, Hinds County Sheriff Office Captain/Deputy Jail Administrator, Raymond Detention Center;
- Fernandeis Frazier, Executive Director of the Henley Young Juvenile Justice Center;
- Darryl Graves, Re-entry Administrator and Certified Public Manager and Certified Master Trainer, Ohio Department of Rehabilitation and Correction (provided staff development at the Henley Young Juvenile Justice Center and has insight into labor pool challenges);
- Synarus Green, Hinds County Internal Compliance Monitor;

- Michele Purvis-Harris, Esq., Hinds County Public Defender;
- Ken Johnson, United States Probation and Pretrial Services, Southern District of Mississippi (Retired);
- Kenneth Lewis, Hinds County Court Facilitator/Quality Control Officer;
- Pete Luke, Hinds County Sheriff Office Major for Operations and Administration;
- Mary Livers, Corrections Consultant, Baton Rouge, Louisiana (Has visited the Hinds County Detention facilities);
- Gary Maynard, former Orleans Parish Compliance Director; (Has visited the Hinds County Detention facilities);
- Terry Miller, Hinds County Sheriff Office Detention Trainer;
- Toneka Moore, Hinds County PREA Coordinator;
- Mary Rushing, Hinds County Sheriff Office Major/Jail Administrator;
- Morris Thigpen, Director, National Institute of Corrections (Retired);

The County asserts that each of these individuals has examined one or more of the issues associated with achieving sustainable constitutional compliance in the detention facilities. Further, it is this specific, credible *fact and expert* testimony the record requires before granting relief. *See generally, Smith v. School Board of Concordia Parish*, 906 F.3d 327, 332 (5<sup>th</sup> Cir. 2018 (court took three days of testimony before finding school violated desegregation consent decree).

#### IV.

In addition to the fact and expert testimony of the above individuals, Hinds County will also rely on the following:

- Declaration of Synarus Green, Exhibit “A”;

- Declaration of Carmen Davis, Exhibit “B”;
- Declaration of Kenneth Lewis, Exhibit “C”; and,
- Declaration of Mary Rushing, Exhibit “D”.

V.

As explained in Hinds County’s L.U.Civ.R. 7(b)(3) Memorandum of Authorities, this Honorable Court should grant narrowly tailored relief likely to promote compliance.

**WHEREFORE, PREMISES CONSIDERED,** Defendant Hinds County prays this Honorable Court will entertain Hinds County’s Response to Plaintiffs’ Motion for An Order to Show Cause Why Defendants Should Not be Held in Contempt, and upon consideration and an evidentiary hearing, narrowly tailor the relief to improve constitutional compliance. And Hinds County prays for such other and general Relief as the Court deems appropriate.

Respectfully submitted this the 22<sup>nd</sup> of July, 2019.

/s/Pieter Teeuwissen  
ANTHONY R. SIMON, MSB # 10009  
PIETER TEEUWISSEN, MSB #8777

/s/Claire Barker  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that he has this day electronically filed the foregoing document with the Clerk of the Court using the Court's electronic filing system (ECF), which sent notification of such filing to all attorneys of record.

Respectfully submitted this the 22<sup>nd</sup> day of July, 2019.

/s/Pieter Teeuwissen  
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/s/Claire Barker  
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